

INDIANA EMERGENCY RESPONSE COMMISSION (IERC) MEETING  
2154 Intelliplex Dr.  
Shelbyville, IN 46176  
July 14, 2014 1:30 P.M.

**WELCOME AND INTRODUCTION**

Vice-Chair Bruce Palin welcomed everyone to the meeting and requested determination of a quorum.

**COMMISSION MEMBERS PRESENT**

Bruce Palin— Commissioner of IDEM's  
Designee  
Robert Johnson— State Fire Marshal's Designee  
Bernie Beier— Local Government  
Representative  
Shawn French— Industry Representative

Brian Lott— Local Government Representative  
James Pridgen— Industry Representative  
Dean Larson— Public Representative  
Arvin Copeland— Executive Director of  
Homeland Security's Designee

**The following Commission members were absent:**

John Hill— Executive Director of Homeland Security  
James Greeson—State Fire Marshal  
Matt Bilkey— Superintendent of ISP's Designee

**QUORUM**

LEPC Coordinator Ashley Holcomb (IDHS) indicated a quorum was present.

**The following staff members were present:**

Mara Snyder—IDHS  
Ian Ewusi—IDHS/IDEM  
Ashley Holcomb—IDHS  
Madison Roe—IDHS  
Barbara Rogers—IDHS District 5

**The following members of the audience were present:**

Jeff Larmore—Marion County LEPC  
Becky Waymire—Morgan County LEPC  
Jim Vierling—City of Shelbyville WWT  
Tom Debaun—Shelby County LEPC  
Bradley E. Fix—City of Shelbyville Wastewater  
Mike Schantz—Shelby Co. EMA

Jane Crady—V.C. INVOAD/Catholic Charities  
Disaster Response  
Robert Lewis—Shelby County Health Department  
George Horning—Shelby County Health  
Department  
Tony Logan—Shelbyville Fire Department

**CONSIDERATION OF THE MINUTES**

A motion to approve the minutes from the May 12, 2014, meeting was made by Mr. and seconded by Mr. Johnson, with a note to change the word "commissions" to "commissioners" on the 3<sup>rd</sup> paragraph of the communications committee reports. **MOTION CARRIED**

## **COMMITTEE REPORTS**

### **Report of the Chair—Bruce Palin**

Mr. Palin noted the position change of Mr. John Hill from Executive Director of IDHS to Deputy Chief of Staff of Public Safety at the Governor's office. Ms. Snyder informed the Commission that a new IDHS Executive Director is expected to be named in approximately sixty days.

Ms. Snyder indicated that there were no legislative changes that would affect the commission to report on at this time.

Mr. Palin spoke about the proposed transition of the Tier II reporting being transferred from IDEM to IDHS. He noted that the proposal may be going through legislation on the next cycle, and that typically takes effect July of the year it is passed. Ms. Snyder noted that there was a new legislative director at the governor's office.

### **Communications Committee—Dean Larson, Chair**

Mr. Larson requested that all commissioners to plan to attend the IERC conference coming up in August. He asked the commission to approve the spending of up to \$500 for the payment of mileage and per diem to Laura Zappia, a presenter at the conference. Mr. Larson asked the commissioners to help pass out 16 plaque awards to the selected LEPCs and one meritorious award to former commission member, Sherman Greer. Mr. Larson also requested that the commission pay for members and staff to attend the IERC conference. He also requested that the commission to approve his and Mr. Pridgen's attendance at the Emergency Management Alliance of Indiana (EMAI) conference as IERC representatives. He noted that he would like to discuss with EMAI officials the idea of bringing back both conferences together.

### **Policy/Technical Committee—James Pridgen, Chair**

Mr. Pridgen spoke about the MOU between the IERC, IDEM and IDHS and noted that several items in the document need to be adjusted and updated for the September meeting. He indicated that the committee received and reviewed a request from Providence Solutions Planning LLC, to be added to the LEPC planning and training resource list. He noted that the application did not meet the criteria set forth in the guidance document and so the application was not approved. Mr. Pridgen indicated that notice will be sent to the applicant to provide the necessary information for committee consideration.

Mr. Larmore spoke about the up-coming Indiana Alliance of Hazardous Materials Responders (IAHMR) conference in October and the mission of the alliance. He asked the commission to consider assisting the alliance financially either directly or indirectly in support of the LEPCs.

Mr. Pridgen noted that while combining the IERC and EMAI conference is preferable it may also present challenges with the hands-on portions of both conferences, but it should be the commission's mission to get as many of the conferences together as possible.

Mr. Johnson indicated that he believed the commission should help if there is extra funding to do so.

Mr. Palin spoke about the possibility of doing a general monetary support to keep registration costs down. He spoke about the commission having funds that can be reallocated.

Mr. Larmore indicated that the goal of IAHMR was to allow its members to attend their conference at no charge but charge nonmembers.

The topic of giving money to the IAHMR conference was deferred until later.

### **Training Committee—Brian Lott, Chair**

Mr. Lott spoke of the one application reviewed by the policy/technical committee and indicated his support for requiring vendor application to be submitted 30 days prior an IERC meeting. He noted that this will give committee members ample time to review the application and make a decision.

### **Fiscal Committee—Bruce Palin, Chair**

Mr. Palin stated that he had hoped to have the yearend fiscal report already, but did not. He noted that he hopes to have the information by next meeting.

Motion to accept all committee reports was made by Mr. French, seconded by Mr. Lott. **MOTION CARRIED.**

### **ROSTER APPROVALS**

Adams	Dekalb	Hendricks	Laporte	Wells
Boone	Elkhart	Howard	Rush	
Brown	Fayette	Knox	St. Joseph	
Dearborn	Floyd	Lake	Vanderburgh	

Mr. Palin asked about ethics training status for the LEPC members being approved and if approval should be post dated to when the members complete the required ethics training. Ms. Snyder advised that since there is no set date for the training at this time, the commission should take action today.

Motion to approve roster was made by Mr. Larson, seconded by Mr. Johnson. **MOTION CARRIED.**

### **OLD BUSINESS**

Mr. Palin indicated that ethics training is tentatively scheduled for end of July beginning of August. Ms. Snyder advised that IDHS Legal would address any updates that come about.

Mr. Palin spoke about the transfer of Tier II from IDEM to IDHS. He stated that the Cross Media Electronic Reporting Regulation (CROMERR) process that was previously holding up the process was no longer going to be required. He noted that this should eliminate some future issues that IDEM had required in the Tier II reporting process. He also noted that IDEM will still be collecting the Tier II information for the next year but IDHS was expected to take over the process in the 2015-2016 reporting cycle.

### **NEW BUSINESS**

Motions were brought forward from the committee meetings as follows:

Motion to pay for IERC conference registration, travel, and lodging for IERC commission members to the IERC Conference not to exceed \$5,000.00 was made by Mr. Larson, seconded by Mr. Johnson.

**MOTION CARRIED.** Amendment was made by Mr. Larson to include commissioners and staff, seconded by Mr. Pridgen. **MOTION CARRIED.**

Motion to cover speaker travel, registration, lodging, and per diem, not to exceed \$500.00 was made by Mr. Pridgen, seconded by Mr. Johnson. **MOTION CARRIED.**

Motion to cover the cost of the plaques awards, not to exceed \$1,000 was made by Mr. Larson, seconded by Mr. French. **MOTION CARRIED**

Motion to pay for Mr. Larson, Mr. Pridgen, and staff to attend the EMAI conference not to exceed \$1,500.00 was made by Mr. Lott, seconded by Mr. French. **MOTION CARRIED**

Mr. Palin spoke about the unallocated LEPC funds from Tier II reporting and the proposal made by Mr. Larmore to use some of these funds for the IAHRM conference.

Mr. Larson inquired about the condition of the Marion County HazMat trailer and using the unallocated funds to replace and add items to the trailer.

Mr. Johnson stated that the condition of the trailer would have to be evaluated and presented to the commission for consideration.

Mr. Larmore inquired about the possibility of using the funds to purchase a second HazMat trailer.

Ms. Snyder asked the commissioners to keep in mind that the legislation was pretty narrow in regards to the way the funds may be used and the funds must be used to benefit noncompliant counties.

Mr. Ewusi spoke of Johnson County who hired a contractor to inspect facilities and verify the chemicals being stored to update their LEPC plan and tied into their commodity flow study, as an example of a way that the counties could benefit and would fall under the code.

Mr. Pridgen asked for a consensus on using the funds for the IAHRM conference. He suggested awarding the funds as a grant of up to but not to exceed \$3,000, with the stipulation that discussions continue about combining all of the conferences.

Motion was made by Mr. Pridgen, seconded by Mr. Lott.

Ms. Snyder asked if the IAHRM group was a legal entity. Mr. Pridgen amended his motion to state that it would be contingent upon whether IAHRM is a legal entity, and Mr. Larmore should report back this finding. Seconded by Mr. Lott. **MOTION CARRIED.**

Mr. Larson suggested that Mr. Ewusi and Ms. Holcomb pass word of the conference to the LEPCs to help support the conference. Mr. Palin asked for ideas on the use of the unallocated funds to be brought to the September IERC meeting for the fiscal committee to discuss. Ms. Snyder noted that the commission needed to decide whether it would require an application to be received for fund use or if these matters would just be voted upon by commissioners.

### **REPORT OF THE FIELD REPRESENTATIVE-Ian Ewusi (written in first-person as presented)**

This is a report on my activities since the last IERC meeting on May 12, 2014, held in Covington, Indiana.

### **FOLLOW-UP FROM PREVIOUS MEETING**

**Status of LEPC Assistance Grant Program Applications**—Grant resolution documents and MOUs with exhibits outlining performance requirements have been sent to Fountain and Marion Counties for their signatures.

- Fountain County LEPC has submitted the signed MOU and resolution document. Grant requisition process commenced for fund release.
- Marion County LEPC has submitted the signed MOU and resolution document. Grant requisition process commenced for fund release.

**IERC funding of Fayette County LEPC (seed money of \$5000)**—The LEPC has submitted the signed grant resolution and MOU. The grant requisition process has commenced for fund release.

**Letters/notices to LEPC members removed from their respective committees**—Letters have been sent to LEPC members who have been removed from their respective committees.

## LEPC ACTIVITIES

### Meetings Attended (11 Counties—formerly inactive LEPCs indicated by \*)

Decatur *	Vanderburgh	Pulaski
Hendricks	Brown	Huntington*
Boone	Allen	White
Daviess	Elkhart	

### LEPC Funding Summary Table—2014 (Based on 2013 chemical inventory fees from **4611** facilities)

Total funds for allocation (2014)		\$561,481.56
Distribution	10% Allocation for IERC	\$56,148.16
	90% Allocation for 92 LEPCs	\$505,333.40
	• Distribution to 77 compliant LEPCs	\$446,217.55
	• Amount withheld from 15 noncompliant LEPCs	\$59,115.85
IERC Funds 2014	Funds to be reallocated to LEPCs ( <i>in accordance with IC 6-6-10-9(b)</i> )	\$59,115.85
	10% Allocation for IERC	\$56,148.16
	<b>Total Funds from DOR to IERC 2014</b>	<b>\$115,264.01</b>

- The following 77 LEPCs received funding from DOR prior to July 1, 2014, for meeting 2013 statutory requirements. The funding amounts have been entered into their respective online modules:

Adams	Franklin	Knox	Parke	Tippecanoe
Allen	Fulton	Kosciusko	Perry	Tipton
Bartholomew	Gibson	LaGrange	Pike	Union
Boone	Grant	Lake	Porter	Vanderburgh
Brown	Greene	LaPorte	Posey	Vermillion
Carroll	Hamilton	Lawrence	Pulaski	Wabash
Clark	Harrison	Madison	Putnam	Warren
Clinton	Hendricks	Marion	Randolph	Warrick
Daviess	Henry	Marshall	Ripley	Washington
Dearborn	Howard	Miami	Rush	Wayne
DeKalb	Jackson	Monroe	Shelby	Wells
Delaware	Jasper	Montgomery	Spencer	White
Dubois	Jay	Morgan	St. Joseph	Whitley
Elkhart	Jefferson	Noble	Steuben	
Floyd	Jennings	Ohio	Sullivan	
Fountain	Johnson	Owen	Switzerland	

- The following 15 LEPCs did not receive funding from DOR due to noncompliance:

Benton	Clay	Fayette	Martin	Scott
Blackford	Crawford	Hancock	Newton	Starke
Cass	Decatur	Huntington	Orange	Vigo

Counties	DHS districts	No. of facilities	Funding amounts (\$)	Reasons for Withheld Funds
Newton	1	16	3455.40	Inactive—No funding reports submitted
Starke	2	16	3455.40	Noncompliant—Submitted 1 funding report (bylaws)
Huntington	3	42	5007.92	Noncompliant—Submitted 3 funding reports (roster, bylaws, minutes)
Benton	4	16	3455.40	Inactive—No funding reports submitted
Cass		33	4470.51	Inactive—Submitted 1 funding report (legal notice)
Hancock	5	44	5127.34	Noncompliant—No funding reports submitted
Blackford	6	16	3455.40	Inactive—No funding reports submitted
Fayette		17	3515.11	Inactive—No funding reports submitted
Clay	7	26	4052.52	Inactive—No funding reports submitted
Vigo		70	6679.84	Noncompliant—Submitted 5 funding reports (legal notice, roster, fiscal report, bylaws, minutes)
Orange	8	14	3335.97	Noncompliant—Submitted 2 funding reports (roster, fiscal report)
Decatur	9	27	4112.23	Noncompliant—Submitted 2 funding reports (fiscal report, minutes)
Scott		12	3216.55	Noncompliant—Submitted 1 funding report (roster)
Crawford	10	8	2977.70	Inactive—No funding reports submitted
Martin		5	2798.56	Inactive—No funding reports submitted
Total		362	\$59115.85	

LAG Fund Balance for LEPC Reallocation (IC 6-6-10-9(b))		
Year	Unfunded LEPCs	Withheld Amounts
2012	19	\$74,448.90
2013	20	\$71,554.71
2014	15	\$59,115.85
Total	\$205,119.46	
Year	Applicant Name	Application Amount
2014	Fountain County LEPC	\$4,610.00
2014	Marion County LEPC	\$5,200.00
Total		\$9,810.00
LAG Fund Balance		\$205,119.46
Approved Reallocation		- \$9810.00
Balance		\$195,309.46

**Audits on LEPC Fund Balances**—I have completed audits of all 2014 LEPC fiscal reports and sent notifications to all LEPCs with problematic reports about my findings. The audits entailed the following activities:

1. Ascertaining that all expenditures reported are in accordance with IC 6-6-10-7(b)
2. Ensuring that all expenditures are properly recorded in the online reporting system
3. Ensuring that funds received from the state (EPCRA fees and grants) are reported and recorded in the online reporting system
4. Ensuring that year-end county auditor's reports on LEPC expenditures match LEPC-recorded expenditures
5. Ensuring that all LEPC funds held in investment accounts and derived interests are accounted for and recorded in the fiscal module of the online reporting system
6. Ensuring that my records of LEPC expenditures reconcile with LEPC fund balances

My assessment revealed 16 counties with funding issues, and to date I have resolved the identified issues with 9 of these LEPCs. I am still awaiting responses from the remaining 7 LEPCs.

### **EPCRA REPORTING**

1. IDEM completed and furnished me with Excel and CAMEO-formatted Tier II records for dissemination to LEPCs and response agency personnel. The Excel data has been posted in the modules of each LEPC for ready access, and CAMEO data is available upon request.
2. The annual EPA Region V conference has been scheduled for October 22–23, 2014. All Region V SERC representatives for Illinois, Indiana, Michigan, Minnesota and Wisconsin are expected to attend.

### **TRAINING**

Computer-Aided Management of Emergency Operations (CAMEO)—3 planned

- Miami County, Grissom—May 15, 2014 (completed)
- IERC Conference—August 22, 2014
- Hendricks County—August 2014
- Hancock County—September 2014
- Sullivan County, Sullivan—Pending
- Marion County, Indianapolis—Pending
- Morgan County, Martinsville—Pending

### **SPILL REPORTS** (EPCRA Section 304)

<i>County</i>	<i>Month</i>	<i>No. of Reports</i>	<i>Facility</i>	<i>Chemical</i>	<i>Quantity</i>
Jay	May	1	POET Biorefining	Sulfuric Acid	1500 gals

### **PUBLIC COMMENTS**

The commission was thanked for meeting in Shelby County.

### **NEXT MEETING**

September 8, 2014, 1:30 pm  
102 West First North St.  
Versailles, IN 47042

## **ADJOURNMENT**

Motion to adjourn made by Mr. Pridgen, seconded by Mr. Larson. **MOTION CARRIED.**  
Vice Chair Palin adjourned the meeting at 2:51 P.M.

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Bruce Palin, Vice Chair